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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

Chapter 11

**NOTICE OF HEARING RE  
OMNIBUS OBJECTION OF USACM  
TRUST TO PROOFS OF CLAIM  
BASED UPON INVESTMENT IN  
FIESTA MURRIETA LOAN**

Date of Hearing: July 26, 2011

Time of Hearing: 1:30 p.m.

Estimated Time For Hearing: 10 minutes

**THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM  
THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW YOUR  
CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN THE  
FIESTA MURRIETA LOAN. THE USACM TRUST CONTENDS THAT YOU DO  
NOT HAVE A VALID CLAIM BASED UPON YOUR INVESTMENT IN THIS  
LOAN BECAUSE YOU TOOK A KNOWN AND OBVIOUS RISK IN MAKING  
THAT INVESTMENT AND USACM DID NOT GUARANTEE REPAYMENT OF  
THAT LOAN. THIS OBJECTION WILL NOT IMPACT YOUR CLAIM TO THE  
EXTENT IT IS BASED UPON AN INVESTMENT IN A DIFFERENT LOAN.**

**PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY  
COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS**

1 **REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM**  
2 **SHOULD BE DIRECTED TO BRANT FYLLING AT SIERRA GROUP**  
3 **CONSULTING, LLC (602-424-7009) OR TO UNDERSIGNED COUNSEL, JOHN**  
4 **HINDERAKER (520-629-4430).**

5 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust, by and  
6 through its counsel, has filed its Omnibus Objections to Proofs of Claim Based In Whole  
7 or In Part Upon Investment in the Fiesta Murrieta Loan (with Certificate of Service) (the  
8 “Objection”). Your Proof of Claim number and other information regarding your claim is  
9 provided in **Exhibit A**, attached to the Objection. The USACM Liquidating Trust has  
10 requested that this Court enter an order, pursuant to section 502 of title 11 of the United  
11 States Code (the “Bankruptcy Code”) and Rule 3007 of the Federal Rules of Bankruptcy  
12 Procedure (the “Bankruptcy Rules”), disallowing your Proof of Claim to the extent it is  
13 based upon an investment in the Fiesta Murrieta Loan. The Objection will not impact your  
14 Claim to the extent it is based upon an investment in a different loan.

15 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held  
16 before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal  
17 Building, 300 Las Vegas Blvd. South, 3<sup>rd</sup> Floor, Courtroom No. 1, Las Vegas, Nevada on  
18 **July 26, 2011, at the hour of 1:30 p.m.**

19 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON JULY 26,**  
20 **2011, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND**  
21 **SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE**  
22 **HEARD ON THAT DATE.**

23 **NOTICE IS FURTHER GIVEN** that pursuant to Local Rule 9014(d), any  
24 response to the objection must be filed and service must be completed no later than  
25 **fourteen (14) days** preceding the hearing date. The opposition must set forth all relevant  
26 facts and any relevant legal authority.

1 If you object to the relief requested, you *must* file a **WRITTEN** response to this  
2 pleading with the Court. You *must* also serve your written response on the person who  
3 sent you this notice.

4 If you do not file a written response with the Court, or if you do not serve your  
5 written response on the person who sent you this notice, then:

- 6 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
- 7 • The Court may *rule against you* and sustain the objection without formally  
8 calling the matter at the hearing.

9 Dated: June 16, 2011.

10 LEWIS AND ROCA LLP

11 By s/ John Hinderaker (AZ 18024)

12 Robert M. Charles, Jr., NV 6593

13 John Hinderaker, AZ 18024 (*pro hac vice*)

14 3993 Howard Hughes Parkway, Suite 600

15 Las Vegas, Nevada 89169

16 E-mail: JHinderaker@lrlaw.com

17 Attorneys for the USACM Liquidating Trust

18 Copy of the foregoing mailed by first  
19 class postage prepaid U.S. Mail on  
20 June 16, 2011 to all parties listed on  
21 Exhibit A attached to the objection.

22 LEWIS AND ROCA LLP

23 s/ Matt Burns

24 Matt Burns